

#43
B. White
10-15-93
EXPEDITED PROCEDURE
UNDER 37 C.F.R. §1.116
EXAMINING GROUP 1807

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: David C. Ward et al.)
Serial No.: 07/130,070)
Filing Date: December 7, 1987)
For: MODIFIED NUCLEOTIDES AND)
METHODS OF PREPARING)
AND USING SAME)

Group Art Unit: 1807
Examiner: Ardin Marschel,
Ph.D

GROUP 180

93 OCT -7 AM 9:35

RECEIVED

575 Fifth Avenue (18th Floor)
New York, New York
October 7, 1993

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FILED IN PERSON

Hon. Commissioner of Patents & Trademarks
Washington, D.C. 20231

Attention: CLERK, GROUP 1800 - BOX AF

COMMUNICATION TRANSMITTING
TERMINAL (STATUTORY) DISCLAIMER
AND APPLICANTS' SUPPLEMENTAL DECLARATION

Dear Sir:

This Communication is responsive to a September 28, 1993 telephone conversation between Examiner Ardin Marshall, Ph.D, Group Art Unit 1807 [Tel. 703-308-3894] and Applicants' undersigned attorney of record in the above-identified application. In the September 28th telephone conversation, Examiner Marshall indicated that a terminal disclaimer would probably be required in this application to disclaim the terminal part of any patent granted on the application beyond the expiration date of U.S. Patent No. 4,711,955.

Enz-1 (Div. III)

David C. Ward et al.

Serial No. 07/130,070

Filed: December 8, 1987

Page 2 (Communication Transmitting Terminal Disclaimer and Applicants'
Supplemental Declaration - October 7, 1993)

In response, Applicants are submitting herewith a Terminal (Statutory) Disclaimer attached hereto as Exhibit A. The Terminal (Statutory) Disclaimer (Exhibit A) has been signed by the assignee of record, Yale University, and it includes a completed, signed certificate under 37 C.F.R. §3.73(b) as set forth in the July 6, 1992 Federal Register (Vol. 52, No. 129, 29634-29648) and in the July 28, 1992 Official Gazette.

As noted on page 2 in the Terminal (Statutory) Disclaimer, The Patent and Trademark Office is authorized to charge Deposit Account 05-1135 for the requisite fee of \$110.00 (and any additional fees) in connection with the filing of the document.

Examiner Marshall and the undersigned also discussed the Declaration Under 37 C.F.R. §1.131 of David C. Ward, Pennina R. Langer-Safer and Alexander A. Waldrop, III, that was submitted in support of Applicants' June 16, 1987 response filed in the parent application, Serial No. 06/496,915, of which this application is a divisional.

In response, Applicants are also submitting herewith their Supplemental Declaration (attached hereto as Exhibit B) to clarify that all of the experiments referenced in their earlier declaration were performed in the United States.

No fee is believed due in connection with this Communication with the exception of the \$110.00 fee for the Terminal (Statutory) Disclaimer. In the event that any other fee is due, however, authorization is hereby given to charge the amount of any other such fee to Deposit Account 05-1135, or to credit any overpayment thereto.

If any further information is required in connection with this Communication or the submitted documents (Exhibits A and B), the undersigned may be contacted by telephone at (212) 856-0876 to discuss the matter.

In order to expedite review, Applicants' attorney has arranged for their Washington associates to file the original of this Communication in person with the clerk of Group 1800, and for a copy (with full exhibits) to be delivered to Examiner Marshall, Group Art Unit 1807.

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Page 3 (Communication Transmitting Terminal Disclaimer and Applicants'
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Favorable action and allowance of the application is respectfully
requested.

Respectfully submitted,



Ronald C. Fedus

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